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Assembly California Legislature



JORDAN CUNNINGHAM
ASSEMBLYMEMBER, THIRTY-FIFTH DISTRICT

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JOINT COMMITTEE
CLIMATE CHANGE POLICIES

February 19, 2019

The Honorable Roger Wicker
Chairman
U.S. Senate Committee on Commerce, Science, and Transportation
555 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
U.S. Senate Committee on Commerce, Science, and Transportation
511 Hart Senate Office Building
Washington, DC 20510

The Honorable Frank Pallone, Jr.
Chairman
U.S. House Committee on Energy and Commerce
2107 Rayburn House Office Building
Washington, DC 20515

The Honorable Greg Walden
Ranking Member
U.S. House Committee on Energy and Commerce
2185 Rayburn House Office Building
Washington, DC 20515

RE: Upcoming Privacy Hearings

Senators and Congressmembers:

Privacy has a long tradition in the United States. The Third and Fourth Amendments to the U.S. Constitution protect Americans from unwarranted government intrusion.

But modern technology, in particular the rise of social media as a part of everyday life, has given rise to unique challenges with respect to protecting individual privacy. Americans have come to expect their personal data to remain private. Yet we have seen a cascade of stories about privacy breaches by social media companies. It appears that privacy in the digital age — in many respects — is an illusion. Last year, the California Legislature passed and the Governor signed into law the California Consumer Privacy Act, the strongest consumer privacy protections in the country. The Democrat-authored bill

passed both houses of the Legislature without a single “no” vote, and was actively supported by the undersigned Republicans.

This year, the undersigned legislators have introduced legislation that would further protect Californians’ private data. We have introduced the #YourDataYourWay bill package, which will build upon last year’s monumental achievement.

Specifically, our Republican-authored bills will: give consumers the absolute right to have their social media information deleted upon the closure of a social media account; prohibit smart-speaker manufacturers from storing and/or data mining voice recordings; mandate that social media companies receive verifiable consent from parents of potential users under 16; and mandate that potential data breach victims are notified within 72 hours of the company identifying the breach.

California is leading the way on this critical, nonpartisan issue. Last year’s privacy measures laid the groundwork for legislators of both parties to work together to ensure their constituents’ privacy and hold monopolistic tech companies accountable for their actions. California will continue to take aggressive actions in order to protect our right to privacy in the digital age.

There is a role for the federal government in this important arena.

For starters, it can take the important step of assuring consumers across the country that the United States government is not going to enact a law that preempts already-existing privacy measures. The industry needs to be held accountable and state efforts are leading the way. California is a natural leader on privacy issues, given our long state tradition of protecting privacy and the fact that many of the big tech companies reside in our state.

Second, Congress should encourage the Federal Trade Commission and the Department of Justice to open antitrust investigations into the largest tech companies in America. A handful of companies control most of the monetary and human capital, and have shown their willingness to buy competitors and aggressively consolidate the industry.

Furthermore, it is possible that the legal framework under the Sherman Act and Clayton Act needs revision, to account for monopolistic power that is exercised and evidenced not through price increases, but through monetizing personal data without the consent of the consumer or squashing innovation. American consumers deserve a robust and competitive marketplace in the social media space.

California has made huge strides on behalf of consumers in the new war for individual privacy. We encourage you to allow California and other states to continue to adopt pro-privacy policies that protect consumers and hold bad actors accountable. We further encourage you to examine whether our federal antitrust laws need revision in order to effectively address monopolistic behavior that may manifest itself in novel ways.

Sincerely,

JORDAN CUNNINGHAM
Assemblyman, 35th District

JAMES GALLAGHER
Assemblyman, 3rd District

CHAD MAYES
Assemblyman, 42nd District

TOM LACKEY
Assemblyman, 36th District